

COPY

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 844

700-0100

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as "COMMISSION", the Illinois Central Railroad Company, hereinafter referred to as "COMPANY", the City of Sparta, hereinafter referred to as "CITY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of the COMPANY 's track with a public highway known as Burns Avenue located in Sparta, Randolph County, Illinois, designated as crossing AAR/DOT 294 794W, milepost 589.70-MM; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team including a staff member of the COMMISSION Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

DOCKETED

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The widening and improvement of Burns Avenue in the vicinity of the crossing. See Exhibit B-1.
- (b) The reconstruction of the crossing surfaces to accommodate the additional roadway width.
- (c) The relocation of the existing automatic flashing light signals to accommodate the crossing and roadway widening portions of the project and the addition of gates to the relocated masts.

Section 3 The COMPANY has prepared a preliminary estimate of cost to accomplish the proposed improvements which it may be required to perform. Said estimates are attached as Exhibits B-2 and B-3. The COMPANY and the CITY shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT.

Section 4 The COMPANY and the CITY shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agree that an appropriate time for the submission of plans should be 60 days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements to Burns Avenue, as well as all future maintenance and operation costs shall be borne by the CITY.
- (b) The cost to reconstruct the crossing surfaces, estimated to be \$50,245.94, shall be allocated 100% of the actual cost, in an amount not to exceed \$50,245.94, to the CITY. Any additional costs, as well as cost of future maintenance and operations to be borne by the COMPANY. (See Exhibit B-2.)
- (c) The cost to relocate the existing automatic flashing light signals and add gates, estimated to \$46,180 shall be allocated 50% of the actual cost, in an amount not to exceed \$23,090, to the Grade Crossing Protection Fund, and 50% of the actual cost, in an amount not to exceed \$23,090, to the CITY, with all remaining costs, as well as the cost of future maintenance and operations to be borne by the COMPANY. (See Exhibit B-3.)

Section 6 The CITY is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7

Special Provisions:

The COMPANY and the CITY shall each file a written report with the Director of Processing and Information within fifteen (15) days of the conclusion of each calendar quarter, stating the status of their respective expenditures for the project and the percentage of completion of the project; if the project is behind schedule the report must include a brief explanation of the reasons for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, 2300 South Dirksen Parkway, Springfield, Illinois 62674. A copy of all bills shall be sent to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the COMMISSION no later than twenty four (24) months from the date of COMMISSION Order subsequent to this Agreement. The DEPARTMENT shall, at the end of the 24<sup>th</sup> month from the COMMISSION's Order date, de-obligate all residual funds accountable for installation cost for this project.

The COMPANY and the CITY shall within ninety (90) days of the date of COMMISSION Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Division of the COMMISSION, the name, title, mailing address, phone number and facsimile number of the project manager.

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

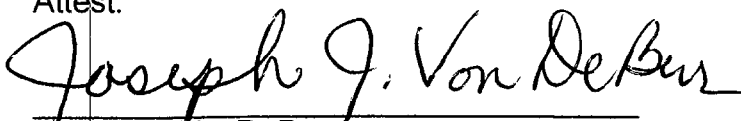
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 16<sup>th</sup> day of May, 2000.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 844 concerning improvements at the South Burns Avenue grade crossing of the Illinois Central Railroad Company tracks located in Sparta, Randolph County, Illinois, designated as crossing AAR/DOT 294 794W, milepost 589.70-MM.

Executed by the Department this 2nd day of JUNE 2000.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: James C. Shifley  
Director of Highways

Illinois Commerce Commission Stipulated Agreement No. 844 concerning improvements at the South Burns Avenue grade crossing of the Illinois Central Railroad Company tracks located in Sparta, Randolph County, Illinois, designated as crossing AAR/DOT 294 794W, milepost 589.70-MM.

Executed by the COMPANY this 16 day of August 2000.

ILLINOIS CENTRAL RAILROAD  
COMPANY

By: 


Attest:

Radine Marshall

Illinois Commerce Commission Stipulated Agreement No. 844 concerning improvements at the South Burns Avenue grade crossing of the Illinois Central Railroad Company tracks located in Sparta, Randolph County, Illinois, designated as crossing AAR/DOT 294 794W, milepost 589.70-MM.

Executed by the CITY this 25th day of September 2000.

CITY OF SPARTA

By: 

Attest:



STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR: Illinois Central RR Co. MP-Line: 589.70-MM Inventory #: 294 794W

City: Sparta Street: South Burns Avenue County: Randolph

Jurisdiction: City of Sparta Urban: X Rural:      Commercial: X Residential:     

Street Surface: South - Bituminous North - Oil and Chip Width: 24 ft. Condition: South - Excellent North - Fair

Angle: N - 61° S - 72° Tracks Tangent: No Degree of Curve: Unknown Superelevation: None

Depth of Cut: N/A Height of Fill: 2 ft.

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>North (Ind. Spur)</u>	<u>Full Depth Timber</u>	<u>32 ft.</u>	<u>Good</u>
<u>12'-6"</u>	<u>Level</u>	<u>South (Main)</u>	<u>Full Depth Timber</u>	<u>32 ft.</u>	<u>Good</u>

Intersecting Roads: Fourth St. - 88 ft. south (center line of south tracks to center line of Fourth St.)  
Township Rd. - 56 ft. north (C.L. to C.L.)

Traffic Control Devices Present: Stop signs on Fourth St. and the Township Road.

ADT: 950 vehicles per day Speed: 30 mph (Not posted) Statewide: Yes

School Buses: Yes Hazardous Materials: Yes Other:     

Rail Traffic: Freight. 6 @ 25 mph Pass.: 0 @      mph Switch: Yes

Simultaneous Movements: No Daylight and Dark: Yes

Present Protection: Mast mounted automatic flashing light signals, sidelights, bell

Advance Warning Signs: North and south Pavement Marking: None

Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	①			
NW	①			
SE	①			
SW	①			
① See Comments				

Approach Grades

North	①	%	%	%
South	①	%	%	%

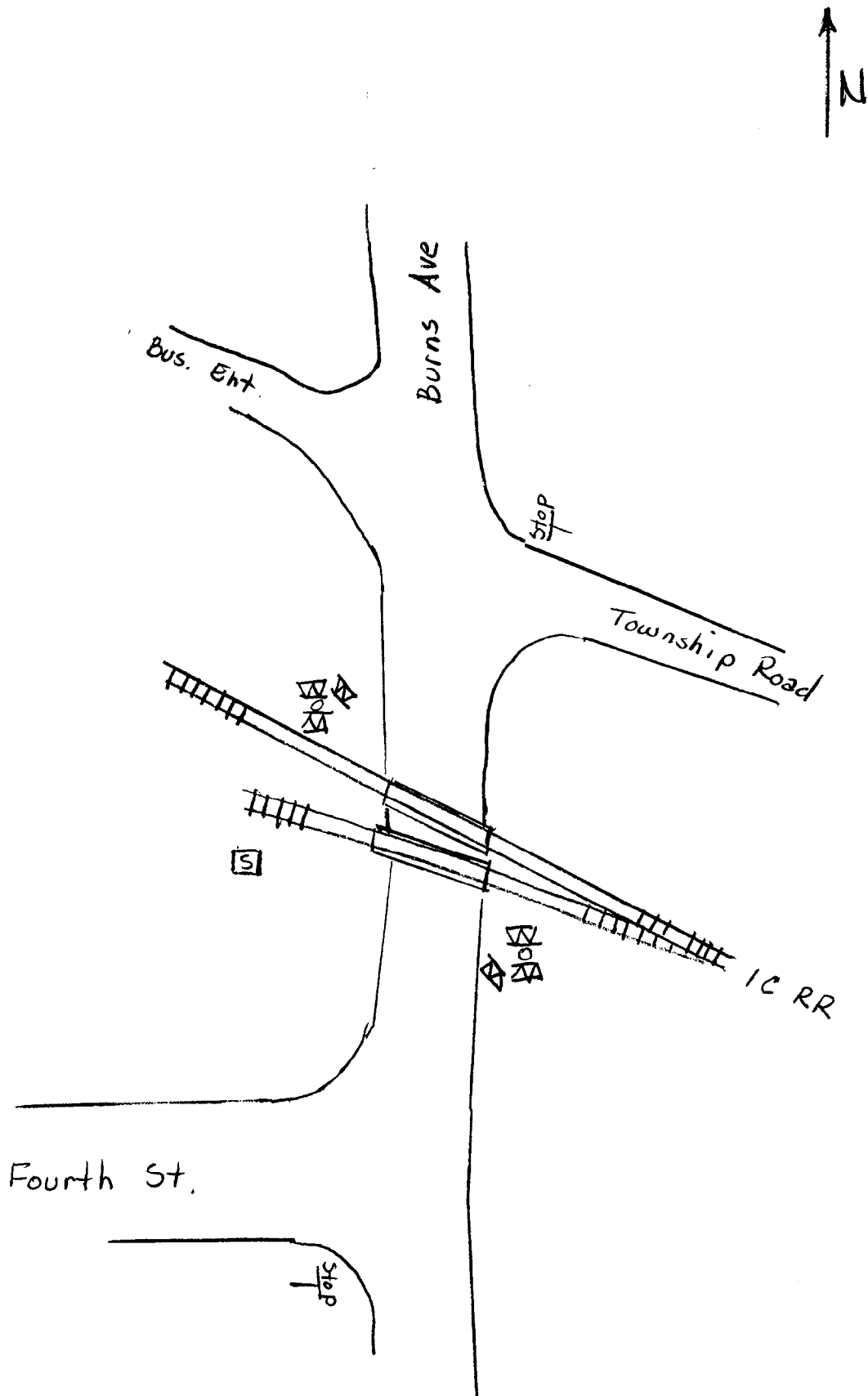
① See Comments

## COMMENTS:

1. No visibility study was done because the crossing has active warning devices in place.
2. The approach grades are level.
3. The cost division for the project will be:
  - Crossing surfaces - 100%, City of Sparta
  - Signal relocation - 50% Grade Crossing Protection Fund  
50%, City of Sparta
4. This project is in the Crossing Safety Improvement Program for Fiscal Year 2000.



SKETCH OF CROSSING: DOT 294 794W



10-FEB-1999

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ILLINOIS CENTRAL RAILROAD  
OFFICE OF ENGINEER-TRACKSPARTA, IL.  
V.S. IL-11SPARTA DISTRICT  
M.P. MM590NORTHERN REGION  
FILE MM590/3INSTALL 2-EA 40-FT KOPPERS CROSSINGS AT BURNS AVE. (DOT# 294 794 W) WITH  
ROADWAY CLOSED TO VEHICULAR TRAFFIC.

## 1999 PRICES

ESTIMATED QUANTITIES NOT TO BE USED TO REQUISITION MATERIAL  
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COST CODE	DESCRIPTION	UNIT COST	QUANTITY	UNIT	TOTAL COST
=====					
	FHPM				
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	ADDITIONS AND BETTERMENTS				
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	JOINT WELDS - FIELD	41.17	8.00	JTS.	329.36
	FIELD WELD RAIL JOINTS	17.05	36.00	M.H.	613.80
	XING MATL - SOLID TIMBER	70.71	80.00	T.F.	5656.80
	DRAINAGE - FILTER CLOTH	2.55	100.00	T.F.	255.00
	PLACE FILTER CLOTH	17.05	4.50	M.H.	76.73
	DRAINAGE-6" PERF PVC PIPE	2.97	169.00	L.F.	501.93
	DRAINAGE-INSTALL PVC	17.05	25.35	M.H.	432.22
	DRAINAGE-BANDS FOR PIPE	12.14	8.00	EACH	97.12
	DRAINAGE-90 DEG ELL FOR PVC	10.08	4.00	EACH	40.32
	INSTALL ELLS	17.06	0.72	M.H.	12.28
	DRAINAGE - TEES FOR 6" PVC	13.27	2.00	EACH	26.54
	INSTALL TEES	17.06	0.36	M.H.	6.14
	DRAINAGE - CAPS FOR 6" PVC	5.84	3.00	EACH	17.52
	INSTALL XING SOLID TIM	17.05	120.00	M.H.	2046.00
	FRT, CO MATL	0.03	4029.30	TNMI	120.88
	CONTRACT APPROACH WORK	3000.00	1.00	L.S.	3000.00
	ENGINEERING	500.00	1.00	L.S.	500.00
	PER DIEM	55.18	23.37	M.D.	1289.56
	RAIL NEW	530.26	12.24	N.T.	6490.38
	TIE CREO CROSS 7"X9"X8'6 OAK	26.50	76.00	EACH	2014.00
	TIE CREO SWITCH	42.29	4.00	EACH	169.16
	CHANGE OUT CROSS TIES	17.05	48.00	M.H.	818.40
	RAIL ANCHORS 115#-112#	0.68	455.00	EACH	309.40
	SPIKES TRACK 6"X5/8"	54.97	1.22	KEG	67.06
	CHANGE OUT RAIL	17.05	48.00	M.H.	818.40
	BALLAST CRUSHED STONE	6.88	122.73	C.Y.	844.38
	UNLOAD BALLAST	17.05	20.25	M.H.	345.26
	WORK TRAIN BALLAST - CO	1610.92	0.25	DAY	402.73
	RAISE - SURFACE TRACK	17.05	144.00	M.H.	2455.20
	SHIFT-SURFACE #10 T.O.	17.05	45.15	M.H.	769.81

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STRIP TRACK	17.05	36.00 M.H.	613.80
FRT, CO MATL	0.03	44252.03 TNMI	1327.56
PER DIEM	55.18	42.67 M.D.	2354.53

MATERIAL	16818.97		
SALES TAX 0.05		840.95	
HANDLING 0.0610		1077.26	
LABOR	9008.04		
ENGINEERING		500.00	
ACCOUNTING		118.85	
OTHER	4851.17		
COMPOSITE ADD. - DIRECT LABOR		7941.60	
COMPOSITE ADD. - ENGIN + ACCT LABOR		515.44	
SUBSISTENCE		3644.09	
RENTAL OF EQUIPMENT		1426.21	
CONTINGENCIES		0.00	
			-----
SUB-TOTAL A&B			46742.58

## BASE OPERATING EXPENSES

REMOVE XING SOLID TIMB	17.05	96.00 M.H.	1636.80
PER DIEM	55.18	12.00 M.D.	662.16

MATERIAL	0.00		
SALES TAX 0.05		0.00	
HANDLING 0.0610		0.00	
LABOR	1636.80		
ENGINEERING		0.00	
ACCOUNTING		20.46	
OTHER	0.00		
COMPOSITE ADD. - DIRECT LABOR		1444.04	
COMPOSITE ADD. - ENGIN + ACCT LABOR		17.04	
SUBSISTENCE		662.16	
RENTAL OF EQUIPMENT		245.52	
CONTINGENCIES		0.00	
			-----
SUB-TOTAL BASE			4026.02

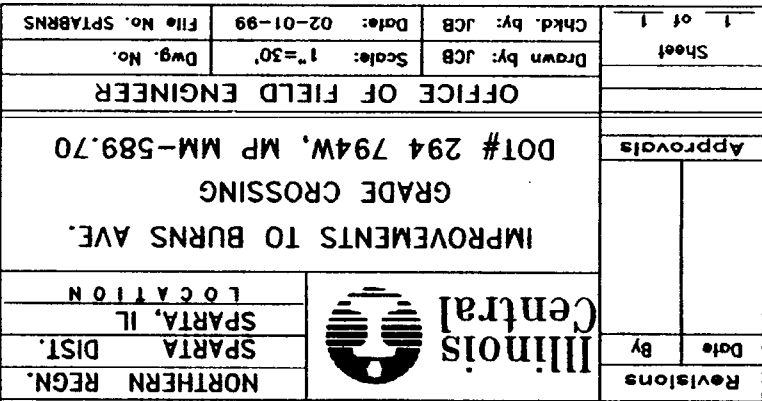
TOTAL A&B, DEP. CAP. AND BASE	50768.60
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## SALVAGE VALUE MATERIAL RELEASED

RAIL SCRAP	SC	50.00	11.01 N.T.	550.50
ANGLE BARS 115# 36"	SC	3.22	20.00 PAIR	64.40
LESS HANDLING 0.15				-92.24

S. TOTAL SALVAGE	522.66
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S. TOTAL NET ESTIMATED COST	50245.94
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8-JAN-1999

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ILLINOIS CENTRAL RAILROAD  
ENGINEERING DEPARTMENT  
OFFICE OF GENERAL MANAGER-C&S

Sparta, IL

Est 1022-901

Estimated cost of Signal work to add Gates at Burns Avenue (East Corporate Road).

Northern Region

Val Sec II-11

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
=====				
FAPG				
----				
CABLE, 2c/6 TW., 120-D (O)	200.	FEET @	0.68	136.00
CABLE, 7c/6, 121-N (O)	200.	FEET @	3.32	664.00
CABLE, 5c/14, 121-B (O)	200.	FEET @	1.00	200.00
MISC. SIGNAL MATERIAL	1.	L.S. @	200.00	200.00
<u>CROSSING MATERIALS PACKAGE</u>				
VITAL LOGIC GATE, VLG	2.	EACH @	530.00	1060.00
VITAL RELAY DRIVER, VRD	1.	EACH @	705.00	705.00
LIGHTNING ARRESTER	18.	EACH @	11.00	198.00
RESISTOR, ADJUSTABLE	4.	EACH @	27.00	108.00
BATTERY, GNB 265AH	1.	EACH @	217.00	217.00
FLS & GATE ASSY W/1 SIDELITE	2.	EACH @	7609.00	15218.00
ARM, EZ GATE, 16-24'	2.	EACH @	442.00	884.00
GATEKEEPER, SK-1000	2.	EACH @	1928.00	3856.00
BELL, ELECTRONIC, 040201-X	1.	EACH @	218.00	218.00
FOUNDATION, S2 4FT-6IN HI	2.	EACH @	370.00	740.00
5 MAN GANG	4.	DAY @	1000.00	4000.00
PRELIMINARY ENGINEERING	1.	L.S. @	2200.00	2200.00
CONSTRUCTION ENGINEERING	1.	L.S. @	275.00	275.00

Sparta, IL

Est 1022-901

## SUMMARY

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MATERIAL	24404.00 *
HANDLING 0.0610	1488.64
LABOR	4000.00 *
ENGINEERING	2475.00
ACCOUNTING	500.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	4282.40
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	3032.08
SUBSISTENCE	1000.00
RENTAL OF EQUIPMENT	800.00
CONTINGENCIES	4197.88
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TOTAL COST	46180.00

**Exhibit C**

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 844**

Date September 26, 2000

The Sparta City Council  
(Board or Council of City of Sparta)

meeting on 9-25-2000, Resolved to authorize Dennis Moody, Mayor  
(Name, Office)

to act as its designated agent in the processing of this Stipulated Agreement and that the City of Sparta is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.